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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,	)	
W.A. DREW EDMONDSON, in his	)	
capacity as ATTORNEY GENERAL	)	
OF THE STATE OF OKLAHOMA,	)	
et al.	)	
	)	
Plaintiffs,	)	
	)	
V.	)	No. 05-CV-329-GKF-SAJ
	)	
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

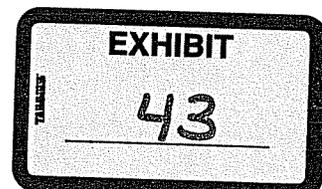
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
FEBRUARY 19, 2008  
PRELIMINARY INJUNCTION HEARING  
VOLUME I

BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

APPEARANCES:

For the Plaintiffs: Mr. Drew Edmondson  
Attorney General  
Mr. Robert Nance  
Mr. Daniel Lennington  
Ms. Kelly Hunter Burch  
Mr. Trevor Hammons  
Assistant Attorneys General  
313 N.E. 21st Street  
Oklahoma City, Oklahoma 73105

Glen R. Dorrrough  
UNITED STATES COURT REPORTER



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(APPEARANCES CONTINUED)

For the Cargill Mr. Delmar R. Ehrich  
Defendants: Mr. Bruce Jones  
Faegre & Benson  
90 South 7th Street, Suite 2200  
Minneapolis, Minnesota 55402

For the Defendant Mr. John Elrod  
Simmons Foods: Ms. Vicki Bronson  
Conner & Winters  
Attorneys at Law  
211 East Dickson Street  
Fayetteville, Arkansas 72701

For the Defendant Mr. A. Scott McDaniel  
Peterson Farms: Mr. Philip Hixon  
Ms. Nicole Longwell  
McDaniel Hixon Longwell & Acord PLLC  
320 South Boston, Suite 700  
Tulsa, Oklahoma 74103

For the George's Mr. Woodson Bassett  
Defendants: Mr. James M. Graves  
Mr. Paul E. Thompson  
The Bassett Law Firm  
Post Office Box 3618  
Fayetteville, Arkansas 72701

For the Cal-Maine Mr. Robert F. Sanders  
Defendants: Young Williams P.A.  
P. O. Box 23059  
Jackson, Mississippi 39225

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12 PROCEEDINGS

13 February 19, 2008

14 THE COURT: Be seated, please.

15 THE CLERK: We're here in the matter of the Attorney  
16 General of the State of Oklahoma, et al, vs. Tyson Foods, Inc.,  
17 et al, Case Number 05-CV-329-GKF. Would the parties please  
18 enter their appearance.

19 MR. BULLOCK: Louis Bullock for the State of Oklahoma.

20 MS. BURCH: Kelly Burch, State of Oklahoma.

21 MR. NANCE: Bob Nance for the State of Oklahoma.

22 MR. BAKER: Fred Baker for the State of Oklahoma.

23 MR. GARREN: Richard Garren, State of Oklahoma.

24 MR. PAGE: David Page, State of Oklahoma.

25 MR. EDMONDSON: Drew Edmondson, State of Oklahoma.

1 A. Well, as much as we -- this is a problem that is -- has  
2 its origins on the other side of the border in Arkansas.  
3 Eighty percent of the poultry houses are in Arkansas. There  
4 is -- our ability to do something in Oklahoma in state court or  
5 under state law or under state regulation is very limited, and  
6 we could not solve the problem if we were forced to rely  
7 entirely or solely on our state authorities.

8 Q. And in your opinion, how serious is this problem?

9 A. I consider it a very serious problem.

10 Q. Could you tell me, please, why you sued the integrators,  
11 the companies, instead of the growers, the farmers?

12 A. Because it is the integrators' waste.

13 Q. And what do you base that on?

14 A. The feed that supplies these birds is brought into the  
15 watershed and owned by the integrators. The birds that eat  
16 that feed are owned -- brought into the watershed and are owned  
17 by the integrators. And when nature takes its course and feed  
18 enters bird, what comes out the other side is the result of the  
19 integrators' actions.

20 Q. To your knowledge, has that degree of control by the  
21 integrators ever been recognized in a court decree?

22 A. It has.

23 Q. I invite your attention to State's Exhibit 41. Could you  
24 tell me what that is?

25 A. Yes. This is the decree that resolved the City of Tulsa

1 case. And by -- I should say more formally it's the case that  
2 was brought by the City of Tulsa and the TUMA against a number  
3 of poultry companies and an Arkansas municipality over water  
4 quality problems in the Eucha-Spavinaw watershed, which is  
5 Tulsa's water supply.

6 Q. Do you know whether there was ever a moratorium on land  
7 application leading up to or subsequent to this order?

8 A. Subsequent to this order. What the order did was require  
9 that land application in that watershed not occur until there  
10 were new plans written based on a newly adopted phosphorus  
11 index. And so from the summer of 2003 when that was  
12 implemented, well into and through much of the next year, there  
13 was a moratorium on land application in that watershed.

14 Q. To your knowledge, were any growers or farmers in that  
15 case?

16 A. I don't believe that there was a single grower or a single  
17 farmer in that case.

18 Q. So the named defendants were the companies?

19 A. The only -- the named defendants were the companies. The  
20 order bound them and the result was a moratorium, an effective  
21 moratorium, and then an effective change in how it is that  
22 litter was managed in that watershed.

23 Q. And in your opinion, will the risks associated with these  
24 bacterial levels be substantially reduced if the injunction is  
25 granted?